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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,338	10/20/2003	Robert E. Smith III	221-0075US	2895

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,338

Applicant(s)

SMITH, ROBERT E.

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005 and 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

In the specification filed 3/8/04, which was understood to replace the specification filed 10/20/03, should paragraph [0007] reference the section heading "brief description of the drawings"? And shouldn't said heading be in capitals?

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin (US 1,178,714).

With respect to claim 1, Griffin discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (defining channel 9) that engage with a female coupling member (A).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following

the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

With respect to claim 2, wherein an elastomeric seal (g) is contained between the metal blade seals.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunn (US 4,022,262).

With respect to claim 1, Gunn discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (16) that engage with a female coupling member (26).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

Member (26) is considered a female member in that it receives a male member (22) therethrough.

With respect to claim 2, wherein an elastomeric seal (18) is contained between the metal blade seals.

With respect to claim 3, wherein the metal blade seals are engaged by tightening the seal retainer into the female coupling member, thereby causing the metal blade seals to cut into the face of a shoulder in the female coupling member.

With respect to claim 4, Gunn discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (16) for forming a seal between the seal retainer and a female coupling member (26).

Regarding the modifier "An undersea hydraulic" of "the coupling member", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 1-2, and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gore (US 612,455).

With respect to claim 1, Gore discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (rib 8 with its inner and outer surfaces) that engage with a female coupling member (2).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

With respect to claim 2, wherein an elastomeric seal (13) is contained between the metal blade seals. Refer to Figure 3.

With respect to claim 4, Gore discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (rib 8 with its inner and outer surfaces) for forming a seal between the seal retainer and a female coupling member (2).

Regarding the modifier "An undersea hydraulic" of "the coupling member", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

With respect to claim 5, further comprising a female coupling member (2) comprising an angular groove (6) cut so as to mate with the angular metal seals of the seal retainer.

With respect to claim 6, wherein the angular groove is cut so as to provide an interference fit when the seal retainer is installed in the female coupling member.

With respect to claim 7, wherein the angular groove is cut so as to provide an press fit when the seal retainer is installed in the female coupling member.

With respect to claim 8, further comprising an elastomeric seal (see Figure 3) located between the metal angular seals

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Galle (US 5,370,153).

With respect to claim 1, Galle discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (48) that engage with a female coupling member (12).

With respect to claim 4, Galle discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (48) for forming a seal between the seal retainer and a female coupling member (12).

With respect to claim 5, further comprising a female coupling member (12) comprising an angular groove (24) cut so as to mate with the angular metal seals of the seal retainer.

With respect to claim 6, wherein the angular groove is cut so as to provide an interference fit when the seal retainer is installed in the female coupling member. See Figures 1-3.

With respect to claim 7, wherein the angular groove is cut so as to provide an press fit when the seal retainer is installed in the female coupling member. See Figures 1-3.

Response to Arguments

Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive.

In his arguments Applicant asserts that paragraph [0004] in the specification defines the term "seal retainer" for the claimed invention. The Examiner disagrees. Paragraph [0004] appears under the section heading "Description of Related Art", and

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describes a related seal retainer. However, in no way is the description of this related seal retainer said or used to define the seal retainer of the claimed invention. The claimed seal retainer is not considered to be limited by a definition provided for a seal retainer described in and for another application.

Thus, regarding Applicant's arguments with respect to Griffin '714, Griffin's device with blade seals which define channel (9) is considered to constitute a seal retainer as said channel receives a seal (g) between the blade seals.

And regarding Applicant's arguments with respect to Gunn '262, Gunn's locknut with blade seals (14, 16) retains seal (18), as shown in Figures 1-2 and described in column 2 lines 45-48. The seal (18) is contained between seals (14, 16) as shown in Figures 1 and 2. From the cross-hatching shown for seals (14, 16), it is clear that the seals are metal. Refer to MPEP 608.02.

And regarding Applicant's arguments with respect to Gore '455, in Figure 3, a seal is clearly shown to be retained in the channel between the blade seals of member (3).

And regarding Applicant's arguments with respect to Galle '153, metal blade seals (48) act to retain seal (38) within the seal groove in female member (12).

Note the recitation "Thomson" in the rejection of claim 4 was in error and has been replaced with "Galle". Refer above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

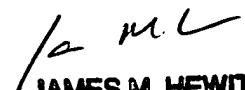
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER